

REMARKS

Claims 1-39 were originally presented in the subject application. In response to a restriction requirement, Applicant provisionally elected claims 1-14, 19-27 and 29-37 for prosecution, in a response dated January 13, 2006. Claims 1, 19 and 29 were amended in an Amendment and Response to Office Action dated June 28, 2006. In response to the Notice of Non-Compliant Amendment dated September 21, 2006, claims 15-18, 28, 38-39 were amended to indicate a status of "Withdrawn" instead of "Original" in a response dated September 28, 2006. No claims have herein been added or canceled. Claims 1, 14, 19, 27 and 29 have hereinabove been amended to more particularly point out and distinctly claim the subject invention. Therefore, claims 1-39 remain in this case, with claims 1-14, 19-27 and 29-37 being substantively examined.

The addition of new matter has been scrupulously avoided. In that regard, support for the amendments to claims can be found throughout the specification, for example, numbered paragraph 0021.

Applicant respectfully requests reconsideration and withdrawal of the various grounds of rejection.

35 U.S.C. §112 Rejection

The Office Action rejected claims 14, 27 and 37 under 35 U.S.C. §112, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant respectfully, but most strenuously, traverses this rejection.

More specifically, the Office Action alleged that the noted claims are vague and indefinite, in that "replacing one or more calculations" in claim 14, for example, contradicts the "spreadsheet [being] unchangeable by a user" in claim 1.

In response, claims 14 and 27 have been amended to recite that the replacing is done by other than the user, which addresses the concern set forth in the Office Action. However,

claim 37 already recites replace logic to replace the one or more calculations of the spreadsheet and avoid re-coating of the interface. Thus, claim 37 cannot suffer the alleged concern noted in the Office Action.

Therefore, Applicant submits that claim 14 does not contradict claim 1, and that claim 14 is not indefinite.

35 U.S.C. §101 Rejection

Claims 1-14, 19-27 and 29-37 were rejected as directed to non-statutory subject matter. Applicant respectfully, but most strenuously, traverses this rejection as it applies to the amended claims.

More specifically, the Office Action alleged that the claims fail to provide a useful, concrete, tangible result, and that there is no “transformation” of data. In the prior Office Action, Applicant had amended the independent claims to recite that output is produced. However, the Office Action alleges that amendment did not go far enough. Although Applicant disagrees, in an effort to advance prosecution, independent claims 1, 19 and 29 have been amended to recite displaying the output. As such, the concern expressed in the Office Action regarding the output still being internal computer signals has been addressed.

Therefore, Applicant submits that the claims are directed to statutory subject matter.

35 U.S.C. §103 Rejection

The Office Action rejected claims 1-14, 19-27 and 29-37 under 35 U.S.C. §103(a), as allegedly obvious over Becerra, JR. (U.S. Application Publication No. 2003/0169295) in view of Devine et al. (U.S. Application Publication No. 2002/0095399) and further in view of Mujica et al. (U.S. Patent Application Publication No. 2003/0117447). Applicant respectfully, but most strenuously, traverses this rejection.

Non-analogous Art

In Applicant's prior response, it was argued that Becerra and Devine were improperly cited against the present application as non-analogous art. In reply, the Office Action fails to go through any of the required steps of the non-analogous art test, instead simply alleging in a conclusory fashion that "[i]t is respectfully submitted that the references are in the same general field of endeavor inasmuch as each reference deals substantially with spreadsheets." As noted in detail below, the field of endeavor of the present application is facilitating the development of computer programs, rather than "spreadsheets" as alleged in the Office Action.

Applicant continues to submit that both Becerra and Devine, and now Mujica, are improperly applied against the present application as non-analogous art, and specifically requests that the steps of the actual test be addressed for each reference noted. It is well settled that each reference must be evaluated individually to determine whether it is non-analogous art.

The determination that a reference is non-analogous art involves two steps. *Heidelberger Druckmaschinen AG v. Hantscho Commercial Products Inc.*, 30 U.S.P.Q.2d 1377, 1379 (Fed. Cir. 1994); *In re Wood*, 599 F.2d 1032, 202 U.S.P.Q. 171, 174 (CCPA 1979). First, the reference is reviewed as to whether it is within the field of the Applicant's endeavor. *Id.* Second, if the reference is not in the field of endeavor, then a determination is made as to whether the reference is reasonably pertinent to the particular problem the inventor sought to solve. *Id.*

In determining what the field of endeavor is, courts have looked to the field of endeavor set out in a patent or patent application. See, e.g., *In re Wood and Eversole*, 202 U.S.P.Q. 171 (CCPA 1979).

The field of endeavor is set out in the present application at numbered paragraph 0001 as computer programming in general, and in particular, to facilitating the development of computer programs. This is also set forth in the preamble of the present claims. In contrast, Becerra is directed to “the field of computer graphics and, more particularly, to a method and system for creating custom computer graphic representations of input and output data.” See Becerra at numbered paragraph 0003. In fact, the main embodiment of Becerra involves creating animations of spreadsheet data that run on a Flash player. Thus, Applicant submits that Becerra is not within the field of Applicant’s endeavor.

Moving on to the second step of the non-analogous art test, it must be determined whether Becerra is reasonably pertinent to the problem the present invention seeks to solve. As set forth in the present application in the Background of the Invention, the problem is set out as the need to utilize the functionality of a spreadsheet within a program without coding a separate program to capture the logic. Applicant submits that Becerra is not reasonably pertinent to this problem, since Becerra imports the data, the mathematical operations and the output from a spreadsheet for the simulation. See Becerra at, for example, numbered paragraph 0011. Thus, the simulation does not include spreadsheet functionality in the sense that it can be applied to new data, and is truly just a simulation of previously chosen data and output.

Therefore, Applicant submits that Becerra is improperly cited against the present application as non-analogous art.

Applying the non-analogous art test to Devine, Devine is directed to “automatic data retrieval, analysis and reporting (RAR) services to interconnected desktop and mobile computer users, wherein the provision and receipt of the RAR services does not depend on central administration or processing.” See Devine at numbered paragraph 0002. Thus, Applicant submits that Devine is not within the field of Applicant’s endeavor.

Moving on to the second step of the non-analogous art test, it must be determined whether Devine is reasonably pertinent to the problem the present invention seeks to solve.

As set forth in the present application in the Background of the Invention, the problem is set out as the need to utilize the functionality of a spreadsheet within a program without coding a separate program to capture the logic. Applicant submits that Devine is not reasonably pertinent to this problem, since Devine uses the spreadsheet itself for interfacing with the user. See Devine at, for example, numbered paragraph 0449.

Therefore, Applicant submits that Devine is also improperly cited against the present application as non-analogous art.

Applying the non-analogous art test to Mujica, Mujica is directed to locking cells in a spreadsheet. See, for example, the abstract of Mujica. Thus, Applicant submits that Mujica is not within the field of Applicant's endeavor noted above, i.e., not within the field of facilitating the development of computer programs.

Moving on to the second step of the non-analogous art test, it must be determined whether Mujica is reasonably pertinent to the problem the present invention seeks to solve. As set forth in the present application in the background of the invention, the problem is set out as the need to utilize the functionality of a spreadsheet within a program without coding a separate program to capture the logic. Applicant submits that Mujica is not reasonably pertinent to this problem, since Mujica involves simply locking cells of a spreadsheet. See Mujica at, for example, the abstract.

Therefore, Applicant submits that Mujica is also improperly cited against the present application as non-analogous art.

Substantive Rejection

Even ignoring the above, Applicant submits the claims are not obviated over Becerra in view of Devine, and in further view of Mujica.

Amended claim 1 recites, for example, including in the program a spreadsheet that is to execute logic of the spreadsheet in response to data of the interface to produce output.

Applicant submits the cited art does not teach or suggest this aspect of claim 1. For example, Becerra does not execute logic of the spreadsheet in response to data of the interface. No real spreadsheet is included in the Becerra simulation that can execute spreadsheet logic. It is only a flash simulation of known input and output.

The Office Action alleges that Devine teaches a spreadsheet executing calculations, and it would somehow be obvious to import this teaching into Becerra. However, it would make no sense to do so in the flash simulation of Becerra, because it would no longer be a simulation, but simply an actual spreadsheet.

Similarly, the Office Action cites to Mujica for user locking of some or all cells of a spreadsheet, again alleging it would somehow be obvious to import this function into Becerra. However, since Becerra is a *simulation*, there is no actual spreadsheet in use during the simulation that could be locked. Again, if there were a spreadsheet in the Becerra simulation, it would cease to be a simulation, and become simply an actual spreadsheet. Indeed, the whole point of a simulation is not having the thing that is being simulated.

As another example, claim 1 recites that the spreadsheet of the program is unchangeable by a user. Against this aspect of claim 1, the Office Action cites to Becerra. However, the fact is that Becerra is simply silent regarding changes to the spreadsheet, since the focus is a simulation of an existing spreadsheet function on existing data with known output. There is no prohibition in Becerra on changes to the spreadsheet. Applicant submits that if a change were made to the spreadsheet in Becerra, a new simulation could simply be made. Applicant submits there is no teaching regarding a spreadsheet being unchangeable by a user in Becerra.

For all the above reasons, Applicant submits claim 1 cannot be made obvious over Becerra in view of Devine, and in further view of Mujica.

Independent claims 19 and 29 contain limitations similar to that argued above with respect to claim 1. Thus, the remarks above apply equally to those claims. Therefore,

Applicant submits that claims 19 and 29 also cannot be rendered obvious over Becerra in view of Devine, and in further view of Mujica.

Applicant submits that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 2 recites that the spreadsheet of the program is hidden from the user. Against claim 2, the Office Action cites to Devine at numbered paragraph 0549, and alleges it would somehow be obvious to import hiding the spreadsheet into Becerra. However, even if for the sake of argument we assume that Devine teaches hiding the spreadsheet, it makes no sense to do so in Becerra since it is a *simulation* and there is no actual spreadsheet being used that could be hidden. Indeed, if a spreadsheet were used in Becerra, it would cease to be a simulation. Similar arguments apply to claims 20 and 30.

Therefore, Applicant submits that claims 2, 20 and 30 cannot be made obvious over Becerra in view of Devine, and in further view of Mujica.

Finally, Applicant expressly reserves the right to subsequently challenge the propriety of any claims to earlier filed applications contained in the cited art.

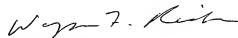
CONCLUSION

Applicant submits that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicant maintains that the claims of the subject application define patentable subject matter and earnestly requests allowance of claims 1-14, 19-27 and 29-37.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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